

**ASSEMBLY BILL**

**No. 1642**

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**Introduced by Assembly Member Gordon**

February 13, 2012

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An act to amend Section 27201 of the Government Code, relating to the county recorder.

LEGISLATIVE COUNSEL'S DIGEST

AB 1642, as introduced, Gordon. County recorder: recordation of documents.

Existing law requires the county recorder, upon payment of proper fees and taxes, to record any document that is authorized or required by statute or court order to be recorded, provided that the document meets certain standards.

This bill would additionally require the county recorder to record any document that is authorized or required by local ordinance of that county to be recorded. By imposing additional duties on a local official, this bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27201 of the Government Code is  
2 amended to read:

3 27201. (a) The recorder shall, upon payment of proper fees  
4 and taxes, accept for recordation any instrument, paper, or notice  
5 that is authorized or required by statute, *local ordinance of that*  
6 *county*, or court order to be recorded, if the instrument, paper, or  
7 notice contains sufficient information to be indexed as provided  
8 by statute, meets recording requirements of state statutes and local  
9 ordinances, and is photographically reproducible. The county  
10 recorder shall not refuse to record any instrument, paper, or notice  
11 that is authorized or required by statute, *local ordinance of that*  
12 *county*, or court order to be recorded on the basis of its lack of  
13 legal sufficiency.

14 “Photographically reproducible,” for purposes of this division,  
15 means all instruments, papers, or notices that comply with  
16 standards as recommended by the American National Standards  
17 Institute or the Association for Information and Image Management  
18 for recording of records.

19 (b) (1) Each instrument, paper, or notice shall contain an  
20 original signature or signatures, except as otherwise provided by  
21 law, or be a certified copy of the original.

22 (2) A facsimile signature shall be accepted on a lien recorded  
23 by a governmental agency when that facsimile signature has been  
24 officially adopted by that agency. The lien shall have noted on its  
25 face a statement to that effect. A copy of the agency’s resolution  
26 or action adopting the signature for facsimile transmission purposes  
27 or a certified copy of the agency’s adopted signature shall be  
28 provided to the county recorder when the signature is officially  
29 adopted by the agency, or at the beginning of each calendar year.

30 SEC. 2. If the Commission on State Mandates determines that  
31 this act contains costs mandated by the state, reimbursement to  
32 local agencies and school districts for those costs shall be made  
33 pursuant to Part 7 (commencing with Section 17500) of Division  
34 4 of Title 2 of the Government Code.

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